

Remarks/Arguments

Claims 1-8 remain pending in the application. Reconsideration and reexamination is requested.

Claims 1-3 and 5-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Sadr et al. (USP 6,508,275).

Claim 1 has been amended to recite that the filling pipe is characterised in that at least two mouth regions are expanded outwardly at different ends wherein each mouth region is further characterised as having a defined inner diameter and a defined wall thickness due to insertion of a calibration bar during blow-molding. Support may be found at page 1 lines 12-14 which recites that “[t]he term calibrating is used to denote the production of a defined wall thickness and a defined inside diameter for the component to be produced.” Also see page 4 lines 32-33 of the English translation of WO 2004/11801A1 which recite “[t]he two mouth regions 7 are of a defined wall thickness and a defined inside diameter.” Further, at page 5 lines 3-10 the specification recites “[i]n addition, the filling pipe 1 which is calibrated in both mouth regions 7 is, at each of those locations, of a wall thickness which remains the same over the entire periphery thereof so that the end faces 8 have optimum properties in terms of welding to another plastic material component. The configuration of the layers of the coextrudate in the mouth region 7 of the filling pipe 1, as shown in Figure 2, was achieved by the insertion of a particular calibration bar into each of the ends of the filling pipe 1 in the production thereof.” Accordingly, no new matter has been entered.

In addition, Applicants respectfully submits that the feature of having each mouth region with a defined inner diameter and a defined wall thickness due to insertion of a calibration bar during blow-molding, is believed to be properly presented and have patentable significance in

the subject product claim. On that note, Applicants cite to MPEP § 2113, which holds that a structure implied by process steps may be considered when assessing patentability, where the process steps may be expected to impart distinctive structural characteristics to the final product. In the present case, the distinctive structural characteristics are a defined inner diameter and defined wall thickness at each mouth end, due to the insertion of a calibration bar during blow molding.

Turning to the outstanding rejection under 35 USC § 102 in view of Sadr, it is noted that Sadr et al. appears to be directed at the forming of a blow molded conduit for use as a filler pipe comprising a plurality of layers. A tab may be formed by pinching the extruded parison after initially blowing such. The reference is silent regarding the formation of mouth regions at each end during blow molding having a defined wall thickness and a defined inner diameter.

Sadr et al. at column 6 line 67 to column 7 line 4 recites that "[a]fter the slides are closed (to form the tab), blowing gas under pressure is again administered to the interior of the parison to form the final interior configuration of the interior of the parison." It is well known that in extrusion blow molding the exterior surface of the article being formed has dimensions defined by the surfaces of the molding tool. The inner surfaces of the formed article are formed by gas pressure and the dimensions and wall thickness are controlled by the stretching of the parison. Sadr et al. recognizes this at column 4 lines 9-18 noting that the parison material is hot and flows and due to stretching the wall thickness of the finished conduit in the vicinity of the bellows portion may be slightly thinner than the wall thickness at other portions of the conduit.

Thus a defined wall thickness and inside diameter at each mouth region during blow molding, and due to the insertion of a calibration bar at each end, is not disclosed or suggested by this reference. Accordingly, it is believed that the present claims properly define over Sadr under either 35 USC §§ 102 and/or 103.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sadr et al. in view of Chan et al. (U S Application Publication No. 2002/0172788). The deficiencies of Sadr et al. are discussed above. Chan et al. appears to be directed at a method of producing a shaped article by a flame spraying process. Flame spraying likewise produces an article having only one surface (inner) of defined dimensions as the outer surface, and therefore the thickness, is defined by the buildup of molten resin in layers by spraying. Chan et al. at paragraph [0133] admits that “[b]low molding of shapes of complex geometry generates wall thickness which can vary dramatically depending on the variability in blow up ratios.” Thus, Chan et al. does not make up for the deficiencies of Sadr et al. in view of amended claim 1.

In sum, it is believed that the amendment to claim 1 distinguishes the invention over the cited references of Sadr and Chan under 35 U.S.C. §§ 102/103. Reconsideration and allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

Respectfully submitted,

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